

**REMARKS**

This responds to the non-final office action of 2 June 2008 which rejected all of claims 1-20.

Paragraph 4 of the office action rejected claims 1-10 and 12-20 under 35 U.S.C. 103(a) over U.S. patent application U.S. patent 6,937,854 to Janssen et al. in view of 2004/0132485 to Charney et al.

Paragraph 11 of the office action rejected dependent claim 11 under 35 U.S.C. 103(a) over the combination of, Janssen, Bayette, and Schornack 6,775,522.

All claims are amended

All rejections are respectfully traversed.

Claims 1-20 are resubmitted for further consideration.

A summary of the prosecution of this application may be helpful.

Applicants' claims are directed to a communication system that enables non-cordless landline station devices of the system to make and receive calls over a wireless network using a cell phone coupled in the series signal wise between the wireless network, and the non-cordless landline station devices. The non-cordless landline station devices are also configured to provide communication service when connected to a landline instead of a wireless interface of the present system. The claimed system is defined as being located within a building structure together with the non-cordless landline is station devices (telephones).

The claimed system enables non-cordless landline telephones of a structure (such as a home) to be provided with cell phone service using a single

common cell phone as an interface. The present system is economically advantageous since no internal home wiring or wiring modifications are required to provide cell phone service to non-cordless landline telephones within the house. This avoids expensive modifications to the existing wiring within the house. The system of the present invention is further economically advantageous since it eliminates the need for a new home to be equipped with telephone wiring. This saves the home purchaser the cost of installing house telephone wiring. Existing houses can be converted to cell phone service for all non-cordless landline phones without the need for purchasing expensive equipment such as cordless phones. The existing non-cordless landline telephones are coupled to an inexpensive wireless device to connect each landline non-cordless telephone with the single cell phone.

The cited art, either singularly or in combination, fails to disclose the inventive features of the present invention. The cited art also fails to teach the use of non-cordless landline telephones within the house instead of expensive cordless phones and associated expensive control structure. This cited art fails to teach the use of telephone equipment that is economical and does not require either the modification of existing wiring or the purchase of new expensive electronic telephone such as cordless telephones.

The Examiner, during the prosecution of the present application, fails to acknowledge, recognize, or respond in any way to the advantages above discussed for the present system. The prior art applied by the Examiner is asserted to be "obvious". The modus operandi of the Examiner appears to be the

steps of: using the results of a computer search for prior art; selecting a plurality of allegedly relevant documents; and then proclaiming that the plurality of documents found by the search can combined "make obvious" the applicants' claims. The Examiner apparently operates on the belief that it is "obvious" to combine any combination of elements produced by a computer search. In other words, the mere existence of two or more elements found during a search may be used, to create in an "obvious to combine" rejection. Applicants' elimination of the need for expensive equipment by a user is apparently irrelevant to the Examiner and not worthy of discussion.

Independent claims (1, 8, and 12) recite non-cordless landline phones each being individual to a different one of a plurality of wireless interfaces. The entire system is positioned within a building structure. This feature is not disclosed by the prior art, which uses cordless phones and does not disclose non-cordless landline phones that are adapted to be operable if/when connected to a landline instead of to a wireless interface. Independent claims 1, 8, and 12 should be allowable since the cited art does not disclose, make obvious, or anticipate the novel apparatus and methods of applicants' claimed system. In view of this asserted allowability of independent claims 1, 8, and 12, all dependent claims should be allowable as being dependent upon an independent claim asserted by the applicants to be allowable.

Janssen discloses a system having the deficiencies that are cured by the system of the present invention. Specifically, Janssen discloses a cordless system having cordless phones and expensive control equipment. Janssen does

not disclose the use of non-cordless landline telephones. Also, Janssen does not disclose non-cordless landline telephones that may be coupled to existing land lines or, alternatively to the individual wireless interfaces a system of system such as disclosed by the applicants wherein each non-cordless landline telephone may coupled to a wireless interface for the provision of cellular service via a cell phone.

On page 3, claims 1 and 12 of the office action, the Examiner admits that Janssen fails to disclose non-cordless landline station devices each being individual to a different one of a plurality of remote wireless interface. Applicants agree with the Examiner's observation regarding the deficiencies of Janssen.

In rejecting claims 1 and 12, the Examiner added Charney to Janssen, misrepresented Charney and asserted, in essence, that Charney teaches a plurality of remote stations land line devices each of which is individual and a different one of remote wireless interfaces, wherein the landline station devices are non-cordless (paragraph [0022]) and wherein the landline station devices are operable to provide communication service when connected to a landline instead of a wireless interface. The applicants traverse and assert that the Examiner either misrepresents or misstates Charney. Charney does not disclose a plurality of remote non-cordless landlines each coupled to a different wireless interface. Also, Charney does not disclose non-cordless landline station devices that are operable to provide communication service when directly connected to landline stations devices instead of a wireless interface (paragraph [0022]).

Further regarding the rejections of claims 1 and 12 on the top paragraph of page 4, the Examiner also stated, in essence, that it would be obvious to modify Janssen to include the remote land line devices are remote land stations that define a plurality of wireless interfaces; with each remote line station devices being individual to a different or remote wireless interface; wherein the landline station device is of the non-cordless type and provides communications service when connected to a landline instead of a wireless interface paragraph [0008] for the advantage of communicating with different networks. The applicants traverse.

The Examiner's citation of paragraph [0008] is not fully understood, and, to the extent it is understood, appears to have no relevance to the applicants' claimed invention. Charney is directed to an expansion based system that includes an interface to an external communication network in paragraph [0008]. This is of no relevance to the applicants' claimed invention. Charney, like Janssen, discloses a system having cordless phones 220 and 240 which are connectable via interfaces 230 and 250 and cell phone 265 to wireless network 330. This portion of Charney is comparable to Janssen and is irrelevant to applicants' invention. Charney goes beyond Janssen and discloses interfaces 280 and 340, which, respectively, are connected to a POTS line 300 to ISDN path 350.

One having a familiarity with the telephone art will readily appreciate that elements 280 and 340 are not landline telephones. They are wireless interfaces adapted to be connected to path 300 or to path 350 respectively. No further details are disclosed by Charney regarding POTS line 300 or ISDN 350. It

appears that the Examiner is confused or fails to understand, the disclosure of figure 2. The applicants claim a non-cordless landline station device connected to a respective wireless interface. Wireless interfaces 280 and 340 are not connected to non-cordless landlines station devices. Figure 2 shows wireless interface 280 connected to POTS line 300.

Interface 280 on figure 2 is connected only to POTS path 300 which is not shown connected to a non-cordless landline telephone. Those having a working knowledge of the telephone art will realize that there is no way of a reader knowing what the distant end of path 300 is connected to. It could be connected to any thing such as a distant PBX or to a distant such as a central office. No one, including the Examiner can assert that the distant and of path 300 is connected to a non-cordless landline phone.

Similar comments may be made regarding inter face 340 and path 350, which is portrayed as being an ISDN line. No one including the Examiner knows what the distant end of ISDN line 350 is connected to. Those having knowledge of the telephony art will appreciate that ISDN lines are high-speed data paths served by a remote switching centers, such as a central office. The ISDN line 350 might be connected to internal elements of the switching center for the serving of high speed data. It is sheer fantasy for anyone to assert that element 350 represents the ISDN path 350 as being connected to a remote non-cordless landline device. The Examiner's characterization of Charney is in error since Charney does not teach wireless interfaces connected to non-cordless landlines as required by applicants' claims. There is no merit to the Examiner's position.

Charney also does not meet the requirements of applicants' claims, which state that their system including their non-cordless landline station devices are located within a building structure.

On page 5 the Examiner stated regarding claim 8 that paragraph [0022] of Charney teaches that the remote station devices are remote landline stations. The Examiner then stated that the plurality of remote stations include an expansion base unit 280 on figure 2 wherein each remote landline station device is individual to and coupled to a different one of the remote wireless interfaces and a landline device is of the non-cordless type.

Charney line 300 is not a non-cordless landline device. Those having familiarity with the fundamentals of telephony will appreciate that POTS is an acronym for "plain old telephone service." A POTS line may be a twisted pair of conductors that may be connected to different ones of a plurality of instrument technologies. Most certainly, and contrary to the Examiner's assertion, POTS line 300 does not include nor is it connected to the recited none cordless landline device. POTS line 300 can be connected to anything as determined by the system designer. It could be connected to a PBX, or to central of office, etc.

Whatever the material on the top of page 5 of the office action was intended to represent, it cannot support the Examiner's assertion that the Janssen/Charney combination makes the applicants claimed invention obvious. The Examiner's rejection of claims 1 and 12 and is therefore unsupported and without merit.

The Examiner's rejection of independent claim 8 on page 4 of the office action is without merit for the same reason as above stated for independent claims 1, and 12. Charney does not disclose a plurality of non-cordless landline devices each of which is individual to a different one of a corresponding number of wireless interfaces. Also, the cited article also does not meet the requirement that the disclosed system is located entirely within a building structure.

Applicants respectfully traverse the rejection of dependent claims 2 and 13 which recite non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent claims 3 and 14 which claims recite non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent claims 4 and 15 recite non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent claims 5, 16 and 17 that recite non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent claims 6 and 19 that recite non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent Claim 7 which recites non-cordless landline devices that not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent Claim 9 which recites non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent Claim 10 which recites non-cordless landline devices not anticipated by the cited art.



Applicants respectfully traverse the rejection of dependent Claim 18 which recites non-cordless landline devices not anticipated by the cited art.

Applicants respectfully traverse the rejection of dependent Claim 9 which recites non-cordless landline devices not anticipated by the cited art.

The rejection of dependent claim 11 in view of the Janssen/Charney in combination with the Schornack is without merit since the cited combination does not disclose non-cordless landline phones each associated with an individual one of a plurality of wireless interfaces and with the system being within the confines of a structure such as a house,

The term "generic non-cordless land line phone " as recited herein shall be understood as referring the well known vintage generic (black) phone which is still available (in new, used, or reconditioned state). Generic non-cordless land line non-cordless land line phone telephones have been used for generations as a land-line device connected to inside house wiring. It is used in the present invention in conjunction with a wireless interface to provide economical cellular service and eliminates the need for inside house wiring for those who wish to avoid expensive alternatives.

**Legal Inadequacy of the 35 U.S.C. 103(a) Rejections**

*The 35 U.S.C. 103(a) rejections of claims 1-20 fail to establish a prima facie case of obviousness or motivation to combine. The Examiner asserted that it would be obvious to combine Charney with Janssen. The Examiner's rejection is an unsupported assertion based on impermissible 20/20 hindsight using knowledge gained from a reading of the applicant's application followed by the*

use of this knowledge against the applicant. An assertion of obviousness requires evidence supporting the establishment of a prima facie case of obviousness or motivation to combine. It further requires a statement of the problem solved by the asserted combination. An obviousness rejection without such evidence is improper and devoid of merit.

The Examiner is respectfully referred to sections 2142 and 2143 of the MPEP which describe what is required to establish a prima facie case of obviousness. These sections state that if the Examiner does not produce evidence supporting a prima facie case of obviousness, the applicant is under no obligation to submit evidence of nonobviousness.

**Section 2142 requires that the prior art references must teach or suggest all of the limitations of the rejected claims.** The cited references fail this test. The mere fact that it might be possible or desirable to combine Janssen with Charney is not sufficient. An obviousness rejection proposing a combination of references should contain sufficient information so that it can be understood what the Examiner is suggesting and how the references are to be combined. Design level details are not required. However, more is required than the mere assertion that the references could be combined. Section 2143 states: "The fact that a reference can be modified is not sufficient to establish a prima facie case of obviousness". Persuasive reasons must be presented indicating how the proposed combination could be achieved.

The Examiner is respectfully requested to specify what elements of Charney are to be combined with what elements of Janssen to achieve a

resultant operational structure. The Examiner is requested to state where each element of the art that allegedly makes obvious applicant's claims is shown of the drawings per the MPEP. It is respectfully submitted that all elements of the rejected claims be identified by their location on the drawings. This includes the wireless interfaces that receive a message destined for a mobile communication device. It is submitted that all claims of the application are patentably distinguishable from the cited art and should be in condition for allowance.

The Examiner is respectfully requested to call the undersigned if the prosecution of the application can be expedited by so doing.

Respectfully submitted,

Date: **2 September 2008**

**/Donald M. Duft/**

**SIGNATURE OF PRACTITIONER**

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